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# **EXHIBIT A**

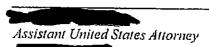
EXHIBIT A, Page 32
EXHIBITS TO DEFENDANTS' MTD THE INDICTMENT WITH PREJUDICE
DUE TO THE GOVERNMENT'S REPEATED AND INTENTIONAL MISCONDUCT



## U.S. Department of Justice

Criminal Division
United States Attorney
Central District of California

1300 United States Courthouse 312 North Spring Street Los Angeles, CA 90012



March 24, 2011

Via Email

Jan L. Handzlik Greenberg Traurig LLP 2450 Colorado Ave. Santa Monica, CA 90404

Janet I. Levine Crowell & Moring LLP 515 South Flower St., 40<sup>th</sup> Floor Los Angeles, CA 90071 Stephen G. Larson Girardi Keese 1126 Wilshire Blvd. Los Angeles, CA 90017

Re:

United States v. Enrique Faustino Aguilar Noriega, et al.

CR 10-1031 (A)-AHM

Dear Counsel:

The government hereby provides redacted versions of FBI Special Agent Susan Guernsey's grand jury testimony relating to the statement of defendant Keith E. Lindsey. See Bates GUERNSEY 000001-000009.

Very truly yours,

ANDRÉ BIROTTE JR. United States Attorney

Assistant United States Attorney

Senior Trial Attorneys Fraud Section

United States Department of Justice

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SUSAN GUERNSEY October 21, 2010
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              Did he make any representations about whether or
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25 not he would deliver if you will?
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**GUERNSEY 000001** 

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At the second meeting. The second meeting that
      we're aware happened at Lindsey Manufacturing in Azusa. He
      came in and met with Keith Lee -- I'm sorry -- Steve Lee
     and Keith Lindsey, and he said -- this was in our interview
     with Keith Lindsey. He quoted Enrique as saying, "If you
     give me 30-percent commission, I'll get CFE."
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              When this came through, this commission, this
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23 one-third of the profits is going to go to Enrique Aguilar,
   did anybody acknowledge that this was a fairly high
25 | commission?
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Yes. Sergio Cortez acknowledges it in his Grand
      Jury testimony, and in our interviews with Steve Lee and
     Keith Lindsey they both said, "Yeah, it was a high
      commission. We didn't have anybody else with that high of
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      a commission."
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GUERNSEY 000003

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                 Now, did there come a time that Keith Lindsey
      talked about what he believed this high commission was
      being used for?
                When we interviewed him, he said that he didn't
           A
      want to ask what it was used for. He thought it was high.
     Didn't want to know. Just didn't want to know.
                Did he say that he assumed it was being used for
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     something?
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                He said he assumed that it was being used to
     possibly pay someone at CFE but that he didn't want to
     know,
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                Now, did you find that statement on Steve Lee's
     behalf to be credible that he did not know that these
     payments were being made?
                We found it strange just on everything during our
     investigation that we found out. That he had been put on
     notice with the emails from Lamarche that it looked like it
     was happening. There were accusations from another large
 12
     company General Electric. You know, just all the
     information they had about his relationship with Nestor
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    Moreno and, you know, Keith Lindsey said that he suspected
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    that it was going to someone at CFE, but he didn't want to
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    know, and they're the president and vice president of the
    company, and they met with Aguilar personally. So, you
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    know, it just seemed strange that he would say he had no
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    idea because he had several indications in the past anyway
    that that was the way Enrique did business.
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                The last point you brought up was this idea that
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           Q
    Keith Lindsey, the owner, had also admitted to assuming
     that these were going back to pay people at CFE but
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     deliberately avoided that fact; is that right?
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**GUERNSEY 000006** 

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                 And Lindsey had already said to the FBI or has
       said to the FBI that he assumed these were going back, some
      of this was going back to people at CFE, but he
      intentionally didn't ask about it?
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                 Yes.
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GUERNSEY 000007

## SUSAN GUERNSEY OCTOBER 21, 2010

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        A JUROR: From the invoices it's implied that the 30
    3 percent wasn't being paid to Aguilar unless they got
      invoiced. They didn't automatically pay the 30 percent at
      the time they got paid by CFE?
           THE WITNESS: Right. In talking to Steve Lee and
   6
     Keith Lindsey, they would not pay Aguilar his 30-percent
      commission until they were paid by CFE. They were very
      clear before that.
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GUERNSEY 000008

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## SUSAN GUERNSEY October 21, 2010

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A JUROR: My understanding is that Lindsey has been in
      business for sixty-some years. Does Lindsey have a history
       of winning contracts from CBE?
            THE WITNESS: From CFE?
           A JUROR: Yeah, from CFE.
    5
           THE WITNESS: I believe according to Keith Lindsey's
   6
     testimony their first contract awarded by CFE was in '94.
     They didn't have a lot of business with CFE before they
   8
      hired Aguilar.
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GUERNSEY 000009